

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX

UNITED STATES OF AMERICA, )  
                                )  
                                )  
                                )  
and                           ) Civil Action No. 1-11-cv-06 (RAM/GWC)  
                                )  
THE UNITED STATES VIRGIN )  
ISLANDS,                    )  
                                )  
                                )  
Plaintiffs,                )  
v.                            )  
                                )  
HOVENSA L.L.C.,            )  
                                )  
Defendant.                 )  
                                )

---

**UNITED STATES NOTICE OF MOTION TO ENTER  
THE FIRST MODIFICATION OF THE CONSENT DECREE**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

Plaintiff the United States of America, on behalf of the United States Environmental Protection Agency (“EPA”), and with the concurrence of Co-plaintiff the United States Virgin Islands (“Virgin Islands”), on behalf of the Virgin Islands Department of Planning and Natural Resources (“DPNR”), respectfully moves this Court to enter the parties’ proposed *First Modification of the Consent Decree* (First Modification) that was lodged with the Court on August 25, 2020. (ECF Doc. 12-1). The proposed First Modification modifies the Consent Decree previously approved by this Court on June 7, 2011. (ECF Doc. 6). This Motion is based on the attached Memorandum.

Respectfully Submitted,

JEAN E. WILLIAMS  
Acting Assistant Attorney General

/s/ Myles E. Flint, II  
MYLES E. FLINT, II  
Trial Attorney  
Environmental Enforcement Section  
Environment and Natural Resources Division  
U.S. Department of Justice  
P.O. Box 7611  
Ben Franklin Station  
Washington, DC 20044-7611

GRETCHEN C.F. SHAPPERT  
United States Attorney  
United States Virgin Islands  
Federal Building and U.S. Courthouse  
5500 Veterans Drive, Room 260  
St. Thomas, USVI 00802

OF COUNSEL:

FLAIRE MILLS  
Assistant Regional Counsel  
United States Environmental Protection Agency  
Region 2  
290 Broadway  
New York, New York 10007-1866

### CERTIFICATE OF SERVICE

The undersigned certifies that on April 8, 2021, he filed the *UNITED STATES NOTICE OF MOTION TO ENTER THE FIRST MODIFICATION OF THE CONSENT DECREE and MEMORANDUM IN SUPPORT OF THE UNITED STATES MOTION TO ENTER THE FIRST MODIFICATION OF THE CONSENT DECREE* electronically with the Clerk of Court using the CM/ECF system, which will send notifications of this filing to all who have made appearances, including the following representatives of the Parties:

John Fehrenbach  
Federal Representations PLLC  
2001 L Street, NW - Suite 500 PMB#50061  
Washington DC 20036

For The United States Virgin Islands

Pamela R Tepper  
/s/ Pamela R. Tepper  
PAMELA R. TEPPER  
Solicitor General  
U.S. Virgin Islands Department of Justice  
34-38 Kronprindsens Gade  
GERS Complex, 2nd Floor  
St. Thomas, VI 00802

For The United States Virgin Islands

LeAnn Johnson Koch  
Perkins Coie  
700 13th Street, NW, Suite 800  
Washington, D.C. 20005-3960

For Limetree Bay Terminals, LLC and  
For Limetree Bay Refining, LLC

Douglas L. Capdeville  
Law Offices of Douglas L. Capdeville, P.C.  
2107 Company Street  
Lot Four  
Christiansted, St. Croix, U.S. Virgin Islands 00822

For Limetree Bay Terminals, LLC and  
For Limetree Bay Refining, LLC

The undersigned further certifies that the foregoing *NOTICE OF MOTION TO ENTER THE FIRST MODIFICATION OF THE CONSENT DECREE and MEMORANDUM IN SUPPORT OF THE UNITED STATES MOTION TO ENTER THE FIRST MODIFICATION OF THE CONSENT DECREE* will be served on counsel for the Environmental Response Trust, and HOVENSA, LLC by electronic mail:

Mary Koks  
Munsch Hardt Kopf & Harr, P.C.  
700 Milam Street, Suite 2700  
Houston, TX 77002-2806

For the Environmental Response Trust

Seth Kerschner  
White & Case  
1221 Avenue of the Americas  
New York, NY 10020-1095

For HOVENSA L.L.C

/s/ Myles E. Flint, II  
MYLES E. FLINT, II